



CITY OF HAYWARD AGENDA REPORT

Meeting Date 02/13/03

Agenda Item 1

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner
Tim Koonze, Assistant Planner

SUBJECT: **Site Plan Review Application No. 01-130-05 and Tentative Tract Map No. 7347 - Dharam Salwan (Applicant), Rajneesch & Shanima Salwan, (Owners)**
- Request to demolish a single-family dwelling in order to construct seven townhouses and to allow a variance to create parcels that do not have frontage on an approved public or private street

The property is located at 1127 & 1137 C Street between First and Second Streets in a Central City-Residential (CC-R) Zoning District.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find the project exempt from the California Environmental Quality Act Guidelines;
2. Approve the site plan review application subject to the attached findings and conditions of approval; and
3. Approve Tentative Map Tract 7347 subject to the attached findings and conditions of approval.
4. Approve variances to allow the town house lots to be created without frontage onto an approved public or private street.

Staff recommends that the Planning Commission find that the project is categorically exempt from CEQA review; approve Tentative Parcel Map 7990 subject to the attached findings and conditions of approval.

DISCUSSION:

Setting

The 20,455-square-foot site is comprised of two parcels. The eastern parcel contains a single-family home that was built in 1920, which would be demolished. The site is on the south side of C Street, between First and Second Streets, and across from the three-story Pac Bell building and storage yard, and Municipal Parking Lot No. 4, in the Central-City Residential District. The property is in a neighborhood developed mostly with single-family homes designed in the California Bungalow and Stick Victorian architectural styles. A three-story apartment building is located to the rear. This property and those on the south side of C Street are in the Central

City-Residential District. The properties on the north side are in the Central City-Commercial District. The *CC-R District* permits multi-family dwellings as a primary use.

Project Description

The proposal is to construct seven attached townhouses. The front two units contain 1,805 square feet and 2,080 square feet in two stories. They have three bedrooms, 2 bathrooms above a living/dining room, kitchen, pantry, bathroom, laundry facility and a single car garage. The remaining five units are 2,480 square feet in three stories. These units have a den, larger living areas, and a two-car garage.

Architecture

The townhouses are of a Craftsman Bungalow design, with muted green, golden yellow, terra cotta and sand earth tone stucco and a composite shingle, low-pitched roof with brackets under the eaves. The main entries have wood railings, tapered wood columns or wood piers on stone veneer bases and Craftsman Bungalow designed wood struts and beams. Stone veneer accents the entries of all units. Light fixtures are Craftsman style. The windows on all elevations include raised stucco block surrounds with decorative wood sills and headers. Balconies that reflect the entry design are located on the front of the units adjacent to the driveway. In addition, decorative balconies are located above the entrances in the rear yards of the units.

The two-story units on the C Street frontage are in scale with the surrounding single-family residential neighborhood. There are two prominent entries, one of which is a typical Craftsman Bungalow entry. This entry has a low-pitched roof, exposed truss fascia, tapered wood pillars on a stone veneer bases and vertical wood railing. The entry to the smaller unit has a shed roof, with wood piers on stone veneer bases and cross wood railings.

The project meets the Downtown Hayward Design Plan objectives and City of Hayward Design Guidelines for infill multifamily residential by providing a compatible infill project. The townhouses do not exceed two stories in height in the front. The bulkier mass of the building is set back further from the street. The architecture utilizes a consistent design theme with materials and colors that are compatible within the project and with adjacent development. Facades are articulated, rooflines are varied and a Bungalow design theme compatible with the neighborhood has been employed. Privacy of the neighbors has been taken into consideration by the placement of windows and the location of the building. The units that front on C Street have landscaped front yards.

Open Space

The seven townhouses require a minimum of 700 square feet of open space, with at least 210 square feet devoted to group open space. The usable open space area that is provided exceeds the minimum requirements. Approximately 1,363 square feet of usable outdoor group space has been provided to the rear of the site in two separate areas and is furnished with a barbeque pit, two picnic tables and benches on a decorative paved area adjacent to a lawn and sand box. Staff recommends a second barbeque and that a landscaped berm be installed at the perimeter of the group open space adjacent to the covered parking. The berm will act as a barrier separating the group open space from the driveway.

The minimum area required for ground level private open space is 100 square feet with a minimum dimension of 10 feet. A minimum area for a balcony is 60 square feet. The back yards exceed the minimum size requirements with approximately 270 square feet provided for each unit. The balconies adjacent to the driveway meet the minimum size requirements and the balconies together provide 533 square feet of usable open space. Unit 1, does not have a private back yard; however, this unit has a 129-square-foot balcony. All balconies are accessible from the second floor.

Staff recommends that the common trash enclosure be removed, that the covered parking be moved toward the rear of the site, and that the group open space shown adjacent to the covered parking be relocated toward the front of the site. This arrangement would create a larger, more centrally located, group open space that would contain a tot lot and an unstructured play area, and would be more visible from the dwelling units. By placing one of the group open space areas on the north side of the carport, it would be visible from the entry point off C Street and would create an inviting entry feature. The applicant agrees with this modification to the plan.

Landscaping

The applicant submitted a landscape plan prepared by a licensed landscape architect. However, the landscape plan will need to be revised to provide appropriate plantings and address modified group open space. The developer will be required to landscape all areas of the project that are not paved including private yards. All common area landscaping and front yard landscaping will be maintained by a homeowners association. A 6-foot-high wood fence will be required along property line of the site adjacent to the single-family homes and apartment building. Fences will also separate the backyards. The fencing is to be owned and maintained by the homeowners association.

Parking

At least 15 parking spaces are required and 18 parking spaces are provided. Five units contain two spaces in a garage and the two front units contain one parking space each in a garage. Six outdoor parking spaces would be located in a carport adjacent to the building; four of the stalls would be clearly marked as visitor parking. The garages and carport parking are accessible from a driveway. The garage doors are not directly visible from C Street. Each garage contains space for trash and recycle receptacles.

Tentative Tract Map

The tentative tract map subdivides the 22,000±square-foot site into 7 townhouse parcels ranging from 1,201 square feet to 1,900 square feet, and 1 common parcel for a total of 8 parcels.

A townhouse subdivision differs from a condominium subdivision. Within a condominium subdivision an individual owns the air space within a unit but the building(s) and all the land within the subdivision are under common ownership. A townhouse subdivision allows an owner to own the building, a small plot of land under the building, and usually a patio; the remaining land is under the common ownership of all owners within the subdivision. Both require the

formation of a homeowners association and the creation of Conditions, Covenants and Restrictions (CC&R's).

The Zoning Ordinance requires that every lot front on a public or private street. The project is designed to have a driveway that would only serve the proposed units and would not have the ability to be extended to serve other units in the future. Designating a driveway as a private street in this instance is unnecessary, however, a variance is necessary to waive the private street requirement. Approving the variance would allow the individual townhouse lots to front on the driveway rather than a private street. The driveway varies in width from 20 feet to 24 feet, it will have a structural section equivalent to a public street and it can adequately serve this project. The driveway will be owned and maintained by the homeowners association.

A public storm drain main will be extended 200 feet from Foothill Boulevard to the property to provide an adequate storm drain system. The design of the extension would be approved by the City Engineer. There are water and sanitary sewer mains within C Street of adequate capacity to serve the project. Each unit will have individual water meters, and a separate meter will be installed for common landscape areas. The onsite sanitary sewer system, storm drain system and driveway would be privately owned and maintained by the Homeowners Association.

C Street is at its ultimate street width and is fully improved. The existing unused driveway approach will be removed and replaced with street improvements to match the existing. There are other street improvements in need of repair, and a condition of approval has been added to ensure these repairs are performed, in addition to the on-site improvements associated with the subdivision, prior to the City accepting the required improvements as being complete.

Conformance to Ordinances, Plans, and Policies

The zoning designation is *Central City-Residential Subdistrict (CC-R)* and the General Plan designation is *High Density Residential (HDR)*. The intent of the *CC-R Subdistrict* is to establish a concentration of multi-family and complementary uses in order to provide a quality central city living environment. The construction of the townhouses is consistent with the purpose of this district.

The project is located in a General Plan Focus Area that is considered a "Change Area" in which the principles of Smart Growth, which includes transit oriented development, are to be implemented. In addition, a policy of the General Plan *supports higher-density and well-designed quality development in areas with in one-half mile of transit stations and one-quarter mile of major bus routes in order to encourage non-automotive modes of travel.*

This site is within one-half mile of the Downtown Hayward BART Station/Intermodal Transfer Station and near several bus lines. AC Transit Line 94 (weekdays) and Line 95 (daily) can be accessed at B Street and Foothill Boulevard westbound to the Downtown Hayward BART Station/Intermodal Transfer Station, which is four blocks walking distance. Both bus lines stop eastbound at C Street and Foothill Boulevard. The transfer station includes access to AC Transit, BART and Greyhound. Since the site will be developed with seven units that will result in an increase in density and located near the BART Station/Intermodal Transfer Station, the proposed project is consistent with the policies of the General Plan.

In order not to overwhelm the adjacent single-family homes, the applicant proposes a seven-unit townhouse project that will result in a lower density than otherwise allowed by the *HDR* General Plan designation. The permitted density in this area is 40 units per acre allowing 19 units with a building height of 55 feet; however, a project of this size would have been out of scale with the single-family residential neighborhood. The project would also not be in compliance with the Upper B Street Neighborhood Plan objective that *design of multifamily housing, between Foothill Boulevard and Second Street, should incorporate single-family development patterns mirroring existing conditions*. Staff is of the opinion that the proposed density is adequate and that transit oriented development measures, such as easy pedestrian access to C Street, would be implemented, which will encourage the use of transit.

A policy of the Housing Element of the General Plan specifically encourages the development of ownership housing and requires the City to implement programs to assist tenants to become homeowners. The townhouses are designed to be owned separately, and the required tract map will assure that the units are available for ownership housing. The site is located within the Downtown Hayward Redevelopment Project Area. A goal of the plan is to *provide housing opportunities for existing residents and persons who desire to live downtown in an area convenient to transportation, commercial services, entertainment, civic activities and employment*. Furthermore, the Core Area Plan points out that housing is a critical element in the revitalization of the downtown area and that new units will repopulate the downtown with a diverse population

Schools

Using Hayward Unified School District student generation rates of 0.33 per dwelling unit, the townhouses can be expected to generate 2.31 students, which can be accommodated by Markham School (Kindergarten through 6th grade), Brett Hart Middle School or Hayward High School.

ENVIRONMENTAL REVIEW:

It has been determined that this project is categorically exempt from the guidelines of the California Environmental Quality Act, pursuant to Section 15332, Class 32, In-Fill Development Projects.

It has been determined that the California bungalow built in 1920 is not a historically significant structure. It does not meet the criteria for City designation as a historic structure as 1) it is not identified with the lives of historic people or important events; 2) it is not particularly representative, nor is it an outstanding example, of its architectural style; and 3) its style remains common within the region.

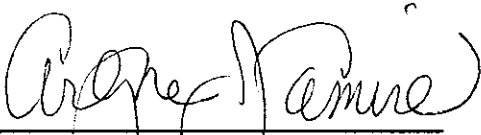
PUBLIC NOTICE:

On February 3, 2003, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. The notice was also published in the Daily Review. A preliminary meeting was held and one resident representing the neighborhood attended.

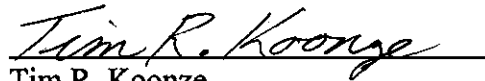
CONCLUSION:

The proposed project is consistent with the adopted land use policies of the General Plan, the Housing Element of the General Plan, Downtown Hayward Redevelopment Plan, Downtown Hayward Design Plan, Core Area Plan and the Upper B Street Neighborhood Plan. The project consists of higher density housing that is transit oriented and provides opportunities for home ownership.

Prepared by:



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Recommended by:



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Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval of Site Plan Review Application No. 01-130-05
- C. Findings for Approval of Tentative Tract Map 7347
- D. Conditions of Approval for Site Plan Review Application No. 01-130-05
- E. Conditions of Approval for Tentative Tract Map 7347
Plans and Map



Site Plan Review Application No. 01-130-05
Dharam Salwan (Applicant)
Rajneesch & Shanima Salwan (Owners)
Findings For Approval

- A. The approval of Site Plan Review Application No.01-130-05, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project reflects the City's independent judgment, and the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, Class 32, In-Fill Development Projects.
- B. The proposed 7-unit townhouse project, as conditioned, will be compatible with surrounding structures and uses in that the style of architecture of the building and the scale of the building fronting on C Street will complement the neighborhood.
- C. The placement of the townhouses takes into consideration physical and environmental constraints in that the building is an adequate distance from existing single-family residences.
- D. The 7-unit townhouse project complies with the intent of City development policies or the City Center-Residential District and regulations of the Downtown Hayward Design Plan including, but not limited to open space, parking, landscaping, setbacks and height limits. In addition, the project is within one-half mile of the Downtown Hayward BART Station, therefore, it can be considered transit-oriented development.
- E. As conditioned, the 7-unit townhouse project will be operated in a manner determined to be acceptable and compatible with surrounding development in that there is adequate parking and protects the privacy of adjacent homes as much as possible.
- F. The approval of a townhouse development that established lots for each unit creates a special physical constraint that would not normally exist in a lot ownership subdivision.
- G. Strict application of the Zoning Ordinance would not allow the creation of townhouse units thereby depriving future tenants the ability to have individual ownership of the units as enjoyed by others in the same classification.
- H. The variance does not constitute a grant of a special privilege in that by allowing the townhouse units to be constructed and served by a driveway, future tenants will have the ability to have individual unit ownership which is consistent with the other properties in the vicinity and zone in which the property is situated.

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7347

1. The approval of Tentative Tract Map 7347, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from California Environmental Quality Act (CEQA) under Section 15332, In-fill Developments”.
2. The tentative parcel map substantially conforms to the State Subdivision Map Act, the City’s Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

Site Plan Review Application No. 01-130-05
Dharam Salwan (Applicant)
Rajneesch & Shanima Salwan (Owners)
Conditions of Approval

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void two year after the effective date of approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. Prior to final inspection of the townhouses or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
5. The conditions of approval shall be printed on the plans to be submitted for building permit review.
6. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's. Project residents shall not the carport parking space for storage. Four parking spaces in the carport shall be marked as "visitor only". Vehicles parked contrary to this provision shall be removed by the project homeowners association. Inoperable vehicles and other storage are prohibited in guest parking spaces. This requirement shall be reflected in the CC&Rs of the homeowner association.
7. Any appropriate historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

Fire Department

10. An automatic fire sprinkler system shall be installed throughout the building. The fire sprinkler system shall meet NFPA 13-D (Modified) Standards for design and installation of the system. Fire sprinkler protection will be required within attic spaces and garage areas.
11. Single station smoke detectors shall be installed within each townhouse unit as per the California Building Code.
12. In an approved location, each townhouse unit shall have an external local (fire sprinkler system) alarm bell installed on the building.
13. In an approved location, an internal (fire sprinkler system) alarm bell shall be installed in each townhouse unit.
14. Each townhouse unit shall be constructed to meet requirements for area separations (1-hour) as per the California Building Code.
15. Each townhouse unit shall have an address installed on the building in a location approved by the Fire Department. Minimum number size shall be 6" on contrasting background or 4" self-illuminated. Address numbers shall be visible from the street.
13. The site may be required to have a Phase I Environmental Assessment. Contact Hugh Murphy, Hazardous Materials Coordinator at (510)-583-4924 for further information.

Solid Waste

- 14 Prior to building permit issuance, a Construction & Demolition Debris Recycling Statement & Summary Report is required to be filed with the Solid Waste Division, Public Works Department. All construction debris is required to be recycled.
15. Adequate storage space for garbage/recycling containers shall be provided within the garage area and shall be accessible for collection. Size and location shall be designed to the satisfaction of the City of Hayward Solid Waste Manager.
16. If gates with locks are planned to limit access to the property, then the Applicant must provide keys or cards to the garbage company, Waste Management of Alameda County.

Utilities

17. It is recommended that a separate irrigation meter be installed for common landscape areas. Install Reduced Pressure Backflow Prevention Assembly on the irrigation water meter per City of Hayward Standard Detail 202.
18. Utility meters shall be located at the sides of the residences and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
19. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Municipal Code 11-2.02.1. Please note this requirement on the plans submitted for a building permit.
20. Only water Distribution Personnel shall perform operation of valves on the Hayward Water System. Please note this requirement on the plans submitted for a building permit.
21. Water and sewer service available subject to standard conditions and fees in effect at time of application.
22. Development to be served by radio read meters.

Miscellaneous

23. Each unit shall be equipped with security lighting over the garage. The light fixtures shall be decorative and shall be approved by the Planning Director.
24. The front door of each unit shall be equipped with a 180-degree security viewfinder.

Planning

25. Two picnic tables and benches, and one barbeques shall be installed in the rear group open space area. Craftsman design overhead trellis(es) shall be installed in both group open space areas. Tot lot play equipment shall be installed to one side in the group open space area located toward the front of the common area. The homeowners association shall seek approval from the Planning Director to modify or upgrade the group space amenities.
26. Private open space in the balcony shall meet the minimum standards of 60 square feet and one dimension shall not be less than 6 feet.
27. Each unit shall have a 90-cubic-foot storage dedicated area, above standard closets and bedroom wardrobes, accessible from the exterior of the unit. .
28. Mechanical equipment, such as air conditioners, shall be prohibited on the roof of any building.

29. The carport shall be modified to include Craftsman design elements.
30. A six-foot fence shall be erected on the east, west and south property lines. A fence plan shall be submitted for review and approval by the Planning Director.
31. Privacy screens shall be provided between balconies and patios to afford privacy to the occupants or neighboring dwellings.
32. The Planning Director shall approve the colors and materials of the structures prior to the issuance of the building permit.
33. Each dwelling unit shall have provision for self-contained laundry facilities. If the space allocation requires specialized equipment that is not generally available on the retail market, the developer shall install the equipment.
34. Decorative paving at the driveway entry shall be provided. Planning Director shall approve the type and design prior to the issuance of a building permit.
35. Brackets shall be added under the decorative balconies located on the west side of the townhouses.
36. Any television or satellite reception antennas or dishes shall be completely screened from view by the proposed roof structure.

Landscaping

37. A licensed landscape architect shall submit a revised plan that includes all unpaved areas including private open space.
38. The common trash enclosure shall be removed and the covered parking shall be moved toward the rear of the property to provide a larger landscaped group open space to be located on the north side of the carports.
39. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.
40. Submit a Landscape Water Use Statement.
41. Landscaping and trees shall be installed per the revised plans prior to occupancy of the townhouses, unless otherwise approved by the City's Landscape Architect.
42. For the installation of common area landscaping, the developer shall maintain the landscaping for a minimum of one-year following acceptance of tract improvements. The City may require a security deposit, bond, or surety to guarantee the maintenance of the landscaping.

43. Landscaping shall be maintained in a healthy, weed-free, condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.
44. A landscaped berm shall be installed on the perimeter of the group open space area adjacent to the carport.
45. Construction activities shall be limited to the hours of 7:30 AM to 5:00 PM on weekdays only; there shall be no construction activities on the weekend or National holidays.
46. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
47. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied homes.
48. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns.

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7347**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

PRIOR TO THE RECORDATION OF THE FINAL MAP

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

STREETS AND PARKING AREA

Interior Driveway

- 1) The driveway varies in width from 20 feet to 24 feet curb to curb. The interior driveway shall be constructed to public street standards. It must remain unobstructed for vehicular ingress and egress. Any gates, humps or similar improvements shall be approved by the Fire Marshall and the Planning Director.
- 2) The pavement at the driveway entrance shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director and the City Engineer.
- 3) Vehicular circulation areas shall be signed as fire lanes and posted for "No Parking".
- 4) The onsite luminaires/electroliers and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer.

Interior Parking Area

- 5) All parking and maneuvering areas shall comply with the City of Hayward's Off-Street Parking Ordinance.
- 6) Parking stalls shall be designed to utilize the allowable vehicle overhang designated in the Off Street Parking Ordinance.
- 7) The parking areas shall utilize an impervious surface over a structural section equivalent to a standard public street section. The design shall be approved by the Planning Director and the City Engineer.

C Street

- 8) The existing C Street driveway at the northwest corner of the property shall be removed and replaced with City standard curb, gutter and sidewalk that are consistent with the existing improvements.
- 9) The existing C Street driveway at the northeast corner of the property shall be replaced with a driveway approach that meets the City of Hayward Standard Detail SD-110 (six-foot-flares).

Storm Drainage

- 10) To adequately serve the property, a public storm drain main shall be installed within C Street from Foothill Boulevard to the north corner of the property. The size, location and design shall meet the approval of the City Engineer.
- 11) The on-site storm drain system shall be a private system owned and maintained by the homeowners association.
- 12) The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer.
- 13) The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff.
- 14) The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

- 15) The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
- 16) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
- 17) All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
- 18) A storm water inlet shall be install at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

- 19) Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
- 20) The on-site sanitary sewer system shall be a private 8-inch building court main owned and maintained by the homeowners association, designed with a manhole at all angle points and ending with a manhole. The building court main design shall meet the approval of the City Engineer.
- 21) Each unit shall have a separate sanitary sewer lateral that connects to the building court main.

Water System

- 22) Water service is available subject to standard conditions and fees in effect at the time of application.
- 23) The water service shall include a multiple meter manifold designed per City of Hayward Standard Detail SD-219. The manifold location shall be approved by the City Engineer.
- 24) Each unit shall be individually metered. The developer shall install individual radio read water meters.
- 25) In order to provide adequate fire protection a fire hydrant shall be installed on-site within the public utility easement. The location of the hydrant shall be approved by the Fire Marshall and the City Engineer.

Utilities

- 26) All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T Company and AT&T Broadband Company regulations, including transformers and switch-gear.
- 27) All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed street shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
- 28) All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscaping and Irrigation

- 29) Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect including details of features such as benches, pavement materials, trellises, etc. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
- 30) Minimum 24-inch box trees shall be planted along the property frontage. The City's Landscape Architect shall approve the type, number, and location of these trees.
- 31) Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin driveway and parking areas.
- 32) Parking areas shall include 15-gallon within the two parking lot landscaped medians. The medians shall be five feet wide, measured from back of curb. Additional on-site trees may be required by the City's Landscape Architect.
- 33) Parking and circulation areas shall be buffered from the street with shrubs, decorative walls or earth berms as determined by the Planning Director. Where shrubs are used, the type and spacing shall create a continuous 30-inch high screen within two years.
- 34) Within all required landscape areas, except private yard patios, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. The system shall utilize a double-check, double-gate backflow device, and shall include an individual adjustable flood bubbler to each tree.
- 35) Above ground utilities shall be screened from the street with shrubs.
- 36) A hose bib shall be provided within each private yard.

Retaining Walls

37) All proposed retaining walls shall be constructed with decorative reinforced concrete.

Dedications, Easements and Encroachment Permits

38) The final map shall reflect:

- a. A 6-foot-wide public utility easements (PUE) along the edge of the interior driveway where necessary as determined by the City Engineer.

Conditions, Covenants, and Restrictions

39) Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the interior driveway, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7347 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:

- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- b. A reserve fund shall be maintained to cover the costs of replacement and repair of the interior driveway, common area landscaping and open space amenities.
- c. The association shall be managed and maintained by a professional property management company.
- d. Four open parking spaces shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, campers shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used for vehicles in operating condition. The CC&R's shall include provisions for towing unauthorized vehicles from the site.
- e. The applicant shall maintain in good repair all fencing, parking, and street surfaces, common landscaping, lighting, trash enclosure, drainage facilities, projects signs, etc. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&R's shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of any of the unit is not executed within a specified time frame. The premises shall be kept clean.

- f. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.
- g. The homeowners' association shall maintain all landscaping and irrigation along the C Street frontage, and within the common areas.
- h. The planting and maintenance of shrubs must not impair visibility at the street intersection. The height of plant materials in areas where sight distance is critical is limited to three feet. Trees in these areas must be pruned such that the canopy provides adequate visibility.
- i. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days.
- j. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- j. A tree removal permit is required prior to the removal of any tree with a diameter of 10-inches or larger.
- k. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- l. Each resident shall participate in the City's recycling program.

Subdivision Agreement

- 40) Execute a subdivision agreement and post security with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

- 41) Required water system improvements shall be completed and operational prior to the start of combustible construction.
- 42) A minimum 20-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

43) The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on C Street.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- 44) A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
- 45) The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

46) Construction Administration services shall be provided by the project landscape architect. Services to include:

- a. Observation of irrigation system before buying pipes;
- b. Observation of plant material upon delivery to the site;
- c. Observation of layout and placement of plant material upon delivery to the site;
- d. Observation for maintenance period commencement; and
- e. Observation for final acceptance.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

47) Detailed landscape plans, irrigation plans, and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City Landscape Architect and the City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and the City Engineer. Approved original mylars shall be left on file with the Department of Public Works. (For small scale projects where review could be done with the turn around time for building permit review.)

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

48) The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;

- a. Supplemental Building Construction and Improvement Tax;
- b. School Tax; and
- c. Park Dedication in-lieu fees for each unit.
- d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

49) Any damaged curb, gutter and/or sidewalk along the C Street property frontage shall be repaired or replaced to the satisfaction of the City Engineer.

50) A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.

51) Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.

- 52) Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
- 53) All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 54) The street light electroliers shall be in operating condition as approved by the City Engineer.
- 55) Landscaping shall be installed per the approved plans. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to connection of utilities or issuance of certificate of occupancy unless otherwise deferred by the City.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

- 56) All tract improvements, including the complete installation of all improvements relative to the interior driveway, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 57) All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
- 58) An AC overlay along the C Street frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
- 59) The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company shall be installed to the satisfaction of the respective companies.
- 60) The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.